

*Grand Jury*



RECEIVED  
VENTURA COUNTY SUPERIOR COURT

EDMUND F. SOTELO  
City Manager

APR 30 1999

OFFICE OF THE  
PRESIDING JUDGE

April 27, 1999

Honorable Charles Campbell  
Residing Judge of the Superior Court  
Ventura County Hall of Justice  
100 South Victoria Avenue  
Ventura, California 93009

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Dear Judge Campbell:

*gfc*  
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This letter is in response to the 1998-1999 Ventura County Grand Jury report titled "City of Oxnard Hiring Practices." The report specifically addresses concerns regarding the appointment of the Planning and Environmental Manager in 1996.

Before responding to the findings and recommendations presented in the report, it is important to understand that the appointment in question was made during the previous administration when activities in the recruitment and selection process were decentralized. During this time, staff of the Personnel Office served as advisors to operating City programs who were given full responsibility for all recruitment and selection functions. One of my first directives when I was appointed as City Manager in February 1998, was to re-centralize all recruitment and selection activities back in the Human Resources Office. It is my opinion that centralization of these activities is the most effective method of insuring that all City rules and regulations are adhered to by the appointing department. In my new organizational structure, which was approved by the City Council on April 6, 1999, I have identified that Human Resources will be a full fledged division of the City Manager's Office.

Response to Grand Jury Findings

The City agrees that there were inconsistencies concerning this particular selection. While I sincerely believe this appointment was a rare exception to the rule, I do concur that a procedural error was made by allowing the appointment of a candidate who did not apply for the position within the advertised deadline date.

Response to Grand Jury Recommendations

- 1. *Procedures should be in place to insure that the City of Oxnard's published policy of hiring is strictly adhered to.*

As I have already noted, I have centralized all recruitment and selection activities back to the Human Resources Division. This action should insure adherence to the City rules and regulations concerning recruitment and selection activities.

Judge Charles Campbell  
April 27, 1999  
Page 2

#2 *All personnel and management that does any interviewing of any candidates for employment should review all procedures of hiring.*

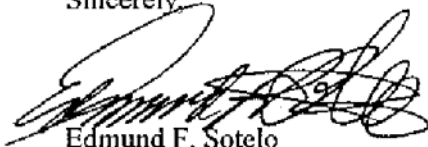
The Human Resources Division currently provides all oral interview panel members a "City of Oxnard Oral Examination Manual" which outlines the City's personnel procedures and provides interviewing techniques to be utilized in order to insure all candidates are given an equal opportunity to be selected. In addition, a staff member of the Human Resources Division conducts an orientation at the beginning of the panel interviews on the City's personnel processes.

#3 *All interview forms should contain the date, time and place of the interview and who was present during the interview. The interviewer should sign the document stating that he or she has training in the hiring procedures of the City of Oxnard, and that this interview was conducted following the procedures of the City of Oxnard.*

The City's oral interview rating forms currently contains spaces for the panel member to print his/her name, to sign the form and to date the form. Other documents are retained in the recruitment file which identify the names of the panel members, the location of the interviews, the questions used by the panel and if there were any observers to the interviews. I do not believe we need to have panel members sign a document stating that they have received training in the City's hiring procedures and that the interviews were conducted in conformance with said procedures.

I believe we have already implemented the Grand Jury recommendations and are doing everything possible to avoid a similar occurrence in the future. If you have any additional concerns or questions regarding this response, please feel free to contact Mr. Lino Corona, Personnel Manager at 385-7596.

Sincerely,



Edmund F. Sotelo  
City Manager

EFS:LC:alj

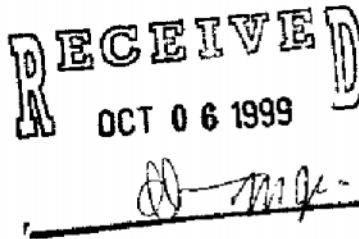
cc: Oxnard City Council  
Lino Corona, Personnel Manager



DR. MANUEL M. LOPEZ  
Mayor

September 28, 1999

Honorable Charles Campbell  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 South Victoria Avenue  
Ventura, CA 93009




Dear Judge Campbell:

This letter is in response to the 1998-99 Ventura County Grand Jury report titled "City of Oxnard Hiring Practices". This section of the Grand Jury report addresses concerns regarding the appointment of the Planning & Environmental Services Manager hired in 1996.

On April 27, 1997, Mr. Edmund F. Sotelo, Oxnard City Manager, provided the Grand Jury a detailed response to this personnel issue. While I don't believe it is necessary to reiterate the specifics of that response, I do feel it is my duty to inform you that I am confident Mr. Sotelo has taken appropriate measures to ensure that, in the future, all city personnel policies and procedures will be strictly followed.

Please let me know if you require any additional information on this issue.

Sincerely,

  
Dr. Manuel M. Lopez  
Mayor

LC/cer

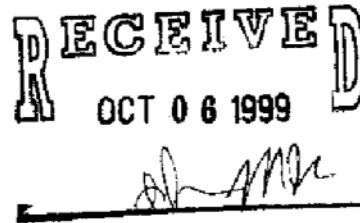


City of

EDMUND F. SOTELO  
City Manager

April 27, 1999

Honorable Charles Campbell  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 South Victoria Avenue  
Ventura, California 93009



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Before responding to the findings and recommendations presented in the report, it is important to understand that the appointment in question was made during the previous administration when activities in the recruitment and selection process were decentralized. During this time, staff of the Personnel Office served as advisors to operating City programs who were given full responsibility for all recruitment and selection functions. One of my first directives when I was appointed as City Manager in February 1998, was to re-centralize all recruitment and selection activities back in the Human Resources Office. It is my opinion that centralization of these activities is the most effective method of insuring that all City rules and regulations are adhered to by the appointing department. In my new organization structure, which was approved by the City Council on April 6, 1999, I have identified that Human Resources will be a full fledged division of the City Manager's Office.

#### Response to Grand Jury Findings

The City agrees that there were inconsistencies concerning this particular selection. While I sincerely believe this appointment was a rare exception to the rule, I do concur that a procedural error was made by allowing the appointment of a candidate who did not apply for the position within the advertised deadline date.

#### Response to Grand Jury Recommendations

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Judge Charles Campbell

April 27, 1999

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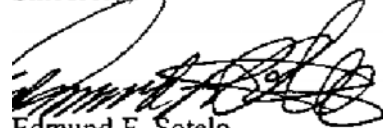
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I believe we have already implemented the Grand Jury recommendations and are doing everything possible to avoid a similar occurrence in the future. If you have any additional concerns or questions regarding this response, please feel free to contact Mr. Lino Corona, Personnel Manager at 385-7596.

Sincerely



Edmund F. Sotelo  
City Manager

EFS:LC:alj

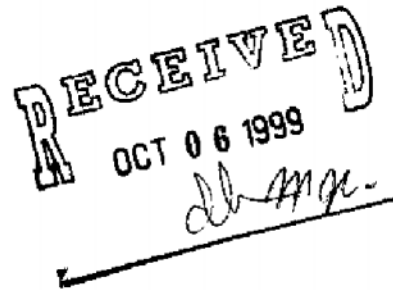
cc: Oxnard City Council  
Lino Corona, Personnel Manager



DR. MANUEL M. LOPEZ  
Mayor

September 28, 1999

Honorable Charles Campbell  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 South Victoria Avenue  
Ventura, CA 93009



Dear Judge Campbell:

This letter is in response to the 1998-99 Ventura County Grand Jury report entitled "Improprieties in Planning and Approval of Development Projects in the City of Oxnard". This section of the Grand Jury report addresses concerns regarding the Griffin Development Project.

On May 12, 1999, Mr. Edmund F. Sotelo, Oxnard City Manager, provided the Grand Jury a detailed response to this issue which is attached to this correspondence. While I do not believe it is necessary to reiterate the specifics of that response, I do feel it is my duty to inform you that I am confident Mr. Sotelo has taken appropriate measures to ensure that in the future this does not reoccur.

Please let me know if you require any additional information on this issue.

Sincerely,

Dr. Manuel M. Lopez  
Mayor

KRB:cbk



September 30, 1999

The Honorable Charles Campell  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 South Victoria Avenue  
Ventura, CA 93009

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*dl mpe*

Dear Honorable Charles Campell:

**Re: Griffin Development Project**

A copy of the Grand Jury's report on the Griffin Development Project has been submitted to the Oxnard Planning Commission along with the City Manager's May 12, 1999 response to you. The Commission has been informed that issues identified by the Grand Jury's report have been addressed and corrected by City Management Staff.

The Commission appreciates the Grand Jury's attention to this matter and their efforts to inform the Commission.

Sincerely,

*Marilyn Miller for*  
Albert Duff, Chair  
Oxnard Planning Commission



EDMUND F. SOTELO  
City Manager

May 12, 1999

The Honorable Charles Campbell  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 South Victoria Avenue  
Ventura, Ca 93009



Reference: **Griffin Industries Housing Project**

Dear Judge Campbell:

This letter is in response to several concerns which have been raised by the Ventura County Grand Jury regarding the processing and subsequent completion of the Griffin Industries Housing Project. The primary issues focused on the project's conformance with the 2020 General Plan, the Zoning Ordinance, and the conditions of approval imposed upon the project. After the March 3, 1999 meeting with the Grand Jury members, a thorough investigation was undertaken and the findings are as follows:

**Response to Grand Jury Concerns:**

1. *Improper or illegal involvement on the part of Oxnard City Councilmember Dean Maulhardt, a co-owner of the property to be developed.*  
The investigation found no indication that Councilmember Maulhardt had any improper involvement or influence, direct or indirect, on his part in any decision made by the Planning Commission or City Council on this project.
2. *The statement in the Planning Commission staff report dated September 23, 1996, which indicates that the land use of the proposed project is consistent with the land use designation modification including setbacks, parking, minimum lot sizes, etc.*  
The staff report of September 23, 1996, was not correct in its conclusion that the land is consistent with the land use designation modification as presented in the staff report resolution.
3. *Staff may have misled the Planning Commission by providing false information which resulted in the approval of the project.*  
It appears that staff may have negligently misled the Planning Commission and City Council by not providing adequate information in the staff report to support the recommended resolutions and approvals for this project.



Honorable Charles Campbell  
Presiding Judge of the Superior Court  
May 12, 1999  
Page Two

4. *Whether the previously installed sewer and utilities systems for industrial use are adequate for the residential use proposed.*

The sewer and utilities systems have been determined to be adequate to support the residential use of the project.

5. *Councilmember Maulhardt voted "Aye" for City Council Resolution No. 11,153.*

A review of the audio tapes of the November 19, 1996, City Council meeting indicates clearly that Councilmember Maulhardt declared a conflict of interest, on the record, and abstained from the discussion and votes. Additionally, during the investigation, a review of the Planning Commission files indicates that Councilmember Maulhardt voted on a major modification to the project on September 1, 1998. A review of the audio tape for that meeting indicates that he abstained due to a conflict of interest.

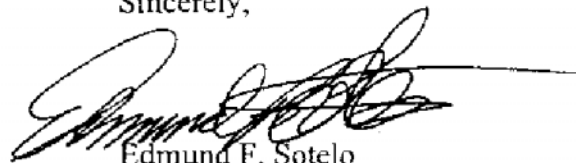
These resolutions have been corrected on the original documents in the Oxnard City Clerk's Office. It should be noted that the investigation concluded that the previous administration's actions were undertaken to expedite the planning process. Many of these efforts to expedite the process may have indeed contributed to the aforementioned errors. The processing in this project was inconsistent with our usual practices and adherence to the General Plan and other regulations.

Finally, it should be noted that because of the elapsed time and the expiration of the statute of limitations, the Griffin Project is now a legal-conforming development project.

I have implemented recent administrative and organizational safeguards to ensure that this will not occur again. We will continue to review and assess these processes until we are satisfied that we have fully addressed these issues.

If you require additional information or have additional concerns, please feel free to contact me at (805) 385-7447 or my private voice mail at (805) 639-9410.

Sincerely,



Edmund F. Sotelo  
City Manager

EFS:dtg

cc: City Council