



CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

VIA E-mail and U.S. Mail

June 18, 2019

Home of
Travis Air Force Base

COUNCIL

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Fire

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Human Resources

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Parks & Recreation

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Police

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Public Works

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Wayne Goodman, Foreperson
2018-2019 Solano County Grand Jury
Hall of Justice
600 Union Avenue
Fairfield, CA 94533

Re: City of Fairfield Response to 2018-2019 Grand Jury Report Entitled "An Analysis of Potential Conflict of Interest Within the City of Fairfield"

Dear Mr. Goodman:

The following is the City of Fairfield's response to the Grand Jury Report regarding potential conflicts of interest:

Finding 1 – *Employees considering a second job or outside activity for compensation or other personal gain, must have prior approval from the employee's supervisor in order to rule out any conflict of interest. There is no evidence to ascertain whether the City of Fairfield enforces this policy.*

The City of Fairfield partially agrees with the finding.

Recommendation 1a – *Create a Personnel Action Form for the employee to submit to their supervisor for advance written permission to take a second job, especially where that second job might be influenced by the employee's current position with the City. Place the form indicating the final decision in the employee's Official Personnel File. Documentation in lieu of verbal approval or denial would support the objective of the policy and protect the City and employee from any perceived presumption of wrongful conduct.*

While the City accepts the recommendations, the City's Administrative Policy currently does require both the department head and the City Manager to approve an employee's request for secondary employment. However, the City agrees that this process can be enforced on a more consistent basis. To invigorate the process, the Human Resources Department has developed a new approval form for employees interested in secondary employment. This form must be signed by the department head, who attests that the secondary employment the employee will engage in will not affect or interfere with their duties as a City of Fairfield employee. The form will also have to be signed by the City Manager and a copy will be sent to the Human Resources Department to be kept in the employee's file. Additionally, if the department head deems that an employee's approved secondary employment is interfering in any way with their job at the City, the department head will inform the employee and sign the form again indicating that the approval for the employee's secondary employment is rescinded. A copy of the rescinded approval will be sent to Human Resources Department, so that the employee's file can be updated.

Recommendation 1b – *Remind employees annually in writing of the policy regarding moonlighting and other business activities.*

The City accepts this recommendation and will establish a process to remind employees on an annual basis. Further, the City sent the new form noted above to all department heads to inform their employees of the policy and the new form.

Finding 2 – *The City of Fairfield fails to ensure that required Form 700s are submitted and filed according to the California Political Reform Act and City regulations.*

The City of Fairfield partially disagrees with the finding, as the City adopts a biennial Conflict of Interest Code and follows City policies and procedures to ensure Form 700s are properly filed. The City does agree that current practices can be improved to provide for better follow-up and enforcement.

Recommendation 2 – *Follow-up to ensure all required Form 700s are submitted in accordance with the California Political Reform Act and City regulations.*

The City accepts this recommendation and will take additional active measures to follow-up with employees who do not submit and file Form 700's according to the California Political Reform Act and the City's Conflict of Interest Code. These measures will include updating the City's Conflict of Interest Code, and maintaining a checklist of all filers which will be sent annually to department heads.

Finding 3 – *Form 700s are not reviewed by City officials to ensure that employees do not engage in any business or transaction that would have a financial or personal interest which could impair the employee's independence or judgment in the performance of their official duties.*

The City of Fairfield agrees with the finding.

Recommendation 3 – *Review and evaluate Form 700s to determine whether the content contains information which could be interpreted as a conflict of interest.*

The City accepts this recommendation and has already taken active measures to remedy this issue. The City Clerk will now forward form 700's filed by employees to the department heads and City Manager's Office for review. Additionally, the City will create a map showing all potential conflicts of interest for applicable city employees and distribute to each department. The department heads will follow up with employees who staff deem may need to be made aware of any potential conflicts with City business. The City Attorney's Office will be consulted as necessary regarding any potential illegal reporting.

Finding 4 – *The completed Form 700s are placed in the City Clerk's office drawer by year of filing, making it difficult to locate and determine if the required 700 is actually on file.*

The City of Fairfield disagrees with the finding.

Recommendation 4 – *Place a copy of the Form 700 in the employee's Official Personnel File, whether the form is manually filed or e-filed.*

The City does not accept this recommendation, as the City Clerk's Office is the central location for all city records. Therefore, all Form 700's will continue to be kept by the City Clerk per the City's retention policy.

Finding 5 – *Several sections of the City's current Administrative Policy Manual are incomplete and inaccurate. Information provided to new employees is lacking in accuracy and refers to the Administrative Services Department and the Director of Administrative Services which are non-existent. In its current form the Manual cannot be totally relied upon by employees. It is further lacking in detail to protect the public and the City from potential conflict of interest activity by its employees.*

The City of Fairfield agrees with the finding.

Recommendation 5a – *Correct, update and expand the Administrative Manual (issuance date of August 9, 2010) to include present policies, at a minimum:*

Chapter 100 – Administration

Section 4 – Code of Ethics for City Employees

Section 5 – Conflict of Interest Statements

Chapter 200 – Administrative Services

Section 1 – General Purpose

Section 5 – New Employee Processing

The City accepts this recommendation and agrees that the Administrative Policy Manual is "replete with references to the Administrative Services Department and the duties of the Director of Administrative Services". Due to the severe financial constraints caused by the great recession, the Administrative Services Department was disbanded and some of its responsibilities were distributed to different departments and others were performed by consultants. In 2017, the Fairfield City Council approved a work plan that would create a Human Resources Department at the City to take over the responsibilities of all personnel activities, such as recruitment, training, leave administration, workers compensation, etc. However, currently, all the duties listed under Chapter 200 are the responsibility of the Department of Human Resources and the Director of Human Resources.

Human Resources has already begun addressing some of the issues brought forth in the report. Policy updates are also part of the department's work plan for the upcoming fiscal year. The Department of Human Resources will be leading the effort to update the Administrative Policy Manual to correct inconsistencies, reflect the City's current organizational structure, and update policies with current laws and regulations. As part of that process, the Human Resources Department will also continuously inform all city staff regarding policy updates.

Recommendation 5b – *Provide the revised Policy to the employees and post on-line.*

The City partially disagrees with this recommendation. Currently, the City provides intranet access to employees so that they can access a variety of useful information, including the Administrative Policy Manual. However, because employee handbooks in general are voluminous, most local government jurisdictions have adopted the practice of uploading the policies on their intranet page. Therefore, the City will continue its current process for distributing the Administrative Policy manual on-line to employees.

Please let us know if you have any further questions.

Sincerely,



Harry T. Price
Mayor



Sean P. Quinn
Interim City Manager