

**City of Hughson  
Civil Grand Jury Case No. 010-13C  
2009/2010**

**SUMMARY**

The 2009/2010 Stanislaus County Civil Grand Jury was asked to investigate allegations of misconduct by the Mayor of Hughson and by a mid-level management employee (MLME) of the City of Hughson, resulting from actions taken on the night of October 23, 2009. The actions were taken in response to the discovery of a missing City-owned computer hard drive.

The Union that represents the non-management employees of the City of Hughson filed a grievance regarding these actions claiming: 1) that the Mayor of Hughson and the MLME violated the California Penal Code, 2) that the Mayor and the MLME violated sections of the Hughson Municipal Code and 3) that the City of Hughson committed an Unfair Labor Practice.

After a review of documents and interviews with key personnel, it was determined 1) that there was no substance to the allegations regarding the Hughson Municipal Code, 2) that in fact the actions of the Mayor were entirely appropriate and 3) that the action of the MLME were commendable in protecting the interests of the City of Hughson.

**BACKGROUND**

The Civil Grand Jury received a request to investigate allegations against the Mayor of Hughson and a mid-level management employee (MLME) of the City of Hughson contained in a grievance filed by the Union, representing the non-management employees of the City of Hughson on behalf of a union member employed by the City of Hughson.

The Acting City Manager directed the MLME to secure the computer hard drives of two employees and record the contents. This was normal City procedure in worker's compensation claim cases and was normally done after working hours so as not to disrupt City business and for the convenience of the outside computer consultant, who would remove the disks and take them to be copied. On Friday, October 23, after 5 PM, the computer consultant informed the MLME that the hard drive of one of the computers was missing. The MLME was the senior City employee on site. She contacted the City Manager, who advised that since he was on administrative leave, he could not get involved. The MLME then attempted to contact the Acting City Manager. The Acting City Manager was out of town and in the mountains out of telephone range. The MLME then contacted the Mayor who advised that she should do what was necessary to protect the interests of the City. The MLME further contacted a Deputy City Attorney and explained the problem and that she proposed to contact law enforcement and change locks on City buildings. The Deputy City Attorney agreed with this decision. The MLME then contacted the City Police Chief who called a sheriff's deputy. The deputy went to the home of the City employee to whom the computer was assigned and asked for the hard drive. This employee told the sheriff's deputy

that he did not have the hard drive. Subsequently, the Business Agent of the Union returned the hard drive to City Hall.

In the meantime, the MLME contacted the Public Works Supervisor and arranged to have the locks changed on two City buildings.

The union grievance alleges that by their actions on the night of October 23, the Mayor and the MLME committed numerous violations of City policy and the law, including infractions, a misdemeanor, a felony and an unfair labor practice.

## **METHODS OF INVESTIGATION**

The investigation of this complaint was made during the month of December 2009. During the investigation the investigating committee took the following actions:

- Reviewed documents provided by the City of Hughson.
- Interviewed under oath City staff, the Mayor and other persons of interest.

## **FINDINGS**

- The Civil Grand Jury makes no findings regarding the disappearance, reasons for the disappearance, or responsibility for the disappearance of the hard drive in question. At the writing of this report a sheriff's investigation of the matter is still ongoing.
- The Civil Grand Jury makes no findings regarding the allegations that the Mayor and MLME violated the California Penal Code. At the writing of this report a sheriff's investigation of the matter is still ongoing.
- The Civil Grand Jury makes no findings regarding the City of Hughson committing an Unfair Labor Practice.
- The Civil Grand Jury finds that the City's normal grievance procedure in accordance with the Memorandum of Understanding (MOU) with the Union and with City policy and procedures was being followed.
- The Civil Grand Jury finds that the Mayor acted properly in this matter.
- The Civil Grand Jury finds that the MLME acted in an exemplary manner in protecting the interests of the City of Hughson and is to be commended for the thoughtful manner in which she carried out her duties in a stressful situation.

## **RECOMMENDATIONS**

None

## **REQUEST FOR RESPONSES**

None

## **REFERENCES**

Hughson Municipal Code

Memoranda of Understanding with the Union representing non-management employees of the City of Hughson