



CITY OF ISLETON

101 2nd Street
Isleton, CA 95641
916-777-7770

March 31, 2022

VIA E-MAIL AND U.S. MAIL

Honorable Michael Bowman
Presiding Judge
Sacramento County Superior Court
709 9th Street
Sacramento, CA 95814

Copy to:
Sacramento County Board of Supervisors
BoardClerk@saccounty.net

Ginger Durham
Jury Commissioner, County of Sacramento
DurhamG@saccourt.ca.gov

Erendira Tapia-Bouthillier
Grand Jury, County of Sacramento
TapiaE@saccourt.ca.gov

**Re: Grand Jury Report – Isleton City Council Violates State Election Laws dated
February 7, 2022**

Dear Judge Bowman,

On February 7, 2022, the City of Isleton ("City") received a report from the 2021-2022 Sacramento County Grand Jury ("Grand Jury") entitled *Grand Jury Report – Isleton City Council Violates State Election Laws* ("Grand Jury Report"). Pursuant to California Penal code section 933 and 933.05, the Grand Jury required that the Isleton City Council respond to the Grand Jury Report and invited Isleton City Manager, Charles Bergson, to respond.

The attached response is drafted in compliance with Penal Code sections 933 and 933.05 on behalf of both the Isleton City Council and City Manager Charles Bergson.

Sincerely,

Handwritten signature of Eric Pene in blue ink.

Eric Pene
Mayor

Handwritten signature of Pamela Bulahan in blue ink.

Pamela Bulahan
Councilmember

Handwritten signature of Paul Steele in blue ink.

Paul Steele
Councilmember

Handwritten signature of Charles Bergson in blue ink.

Charles Bergson
City Manager

Iva Walton
Councilmember

A. RESPONSE TO FINDINGS

1. **F1 – The Isleton City Council violated Government Code section 36512(b) by failing to appoint and/or failing to call for a Special Election to replace a vacancy on the Isleton City Council.**
 - (a) The City Council **AGREES** with this finding.

2. **F2 – The Isleton City Council disregarded Government Code section 36512(b), the advice of its City Attorney, the advice contained in the Staff Report dated June 22, 2021, and recommendations of several citizens during the June 22, 2021 City Council Meeting when it failed to appoint and/or failed to call for a Special Election to fill a vacancy on the City Council.**
 - (a) The City Council **AGREES** with this finding.

3. **F3 – Failure of the Isleton City Council to follow the mandate of Government Code section 36512(b) was a breach of the City of Isleton Code of Conduct for City Council Members.**
 - (a) The City Council **AGREES** with this finding. Pursuant to the City of Isleton Code of Conduct for City Council Members, effective January 24, 2008, each City Council member is obliged to comply with the mandates of law.

4. **F4 – Failure to appoint a person to fill the vacancy on the Isleton City Council dilutes the public's representation in government since there is one fewer Council Member to express views, opinions, ideas, and diverse opinions as well as potentially resulting in split decisions which would inhibit the Council from making appropriate decisions.**
 - (a) The City Council **AGREES** with this finding.

5. **F5 – The lack of a penalty provision for failure to comply with Government Code section 36512(b) motivated the Isleton City Council to ignore the mandatory requirement to either appoint or call for a Special Election to fill the vacancy on the City Council and leave its constituency with no redress.**
 - (a) The City Council **AGREES** with this finding.

B. RESPONSE TO RECOMMENDATIONS

1. **R1 – The Isleton City Council should appoint a person to fill the vacancy on the Isleton City Council by June 30, 2022.**
 - (a) The City Council **HAS NOT IMPLEMENTED** this recommendation, but will within the timeline allowed. The City Council anticipates appointing a person to fill the vacancy before June 30, 2022. To do so, on or before June 30, 2022, the City

Council will identify eligible and interested candidates by application. Then, on or before June 30, 2022, the City Council will select a person to fill the vacancy from that pool of eligible and interested candidates. The candidate who receives a majority of votes from City Council members will be the person chosen to fill the vacancy. If no candidate receives a majority, the decision will be made by a coin toss between the two candidates with the most votes.

2. **R2 – If the Isleton City Council fails to appoint a replacement by June 30, 2022, a Special Election should be held.**
 - (a) The City Council **HAS NOT IMPLEMENTED** this recommendation. If the City Council fails to appoint a person to fill the vacancy on the Isleton City Council on or before June 30, 2022 in the manner described above, the City Council will call for a Special Election in compliance with the Government Code and Elections Code at the regular City Council meeting in July 2022.