

# NEVADA CITY PLANING DEPARTMENT

## REASON FOR INVESTIGATION

A citizen's complaint was received by the Nevada County District Attorney regarding missing public records at the Nevada City Planning Department. The Grand Jury was asked to review Government Code Sections 6200 and 6201 to determine if there were possible violations or if there was negligence in the maintenance of city records. The Grand Jury initiated an investigation of the city's records management.

## PROCEDURE FOLLOWED

The Grand Jury interviewed the City Clerk, City Planner, and the Planning Department Clerk. The City Planning Department's management of records was examined. The City Clerk provided a tour of where official and historical records are maintained and filed.

## FINDINGS

1. The Planning Department located the records in question after the investigation began. These records were either misplaced or misfiled.
2. The Planning Department does not have a written procedure for records management, resulting in a lack of guidelines for employees. Additionally, the manner of maintaining public records does not comply with state guidelines.
3. The areas where records are kept lack the security to prevent possible theft or unauthorized access. In addition, these areas do not provide adequate protection from possible fire or water damage if the fire protection sprinklers in the ceiling are activated.
4. The Planning Department does not maintain a backup system of its records to prevent disruption of business due to any incident that could cause a loss of records.
5. The manner in which historical records are stored leaves them vulnerable to loss or damage.

## CONCLUSIONS

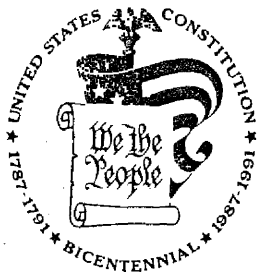
1. At the time of the investigation, the Grand Jury could find no indication of criminal intent regarding the missing public records.
2. The city's present records management system is antiquated and does not meet the State's Record Management Guidelines.

## **RECOMMENDATIONS**

1. Nevada City must develop a much-needed records management system.
2. The city should review and implement Local Government Records Management Guidelines issued by the Secretary of State. This document can be located at: [www.ss.ca.gov/archives/level3\\_locgovrec.html](http://www.ss.ca.gov/archives/level3_locgovrec.html)
3. Address the lack of adequate records security.
4. The city should implement and maintain a backup system to protect records and archives. The backup of records should be kept in a secure off-site location.
5. Better protection and preservation of historical records is necessary. Assistance is available by contacting the State Chief Archivist at: <http://www.wgray@ss.ca.gov/>
6. Grant money and historical support are available and should be pursued by contacting the National Historical Publications and Records Commission at: [www.nara.gov/nhprc/](http://www.nara.gov/nhprc/) and the Library Services and Technology Act at: [www.library.ca.gov/html/grants.html](http://www.library.ca.gov/html/grants.html)
7. Grand Jury members visited the Town of Truckee to review its records management system, which meets state guidelines. The Grand Jury recommends that the City Manager and the City Clerk visit the Town of Truckee to review this system with appropriate officials.

## **REQUIRED RESPONSES**

- Nevada City City Council, by May 22, 2002
- Nevada City City Manager, by April 22, 2002
- Nevada City City Clerk, by April 22, 2002
- Nevada City City Planner, by April 22, 2002
- Nevada City City Engineer, by April 22, 2002



# CITY OF NEVADA CITY

## CALIFORNIA

Nevada City  
A Bicentennial  
Community

May 15, 2002

REC'D BY SUPERIOR COURT  
DATE: 5-22-02  
BY: \_\_\_\_\_

Honorable Ersel L. Edwards  
Presiding Judge of the Civil Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: City Council Response to Grand Jury Report – 2001

Honorable Judge Edwards:

The City Council reviewed the 2001 Grand Jury Report concerning the Nevada City Planning Department and also the City Staff's response. We agree with the City Staff response and therefore offer it as our response also. It is as follows:

**1. Nevada City must develop a much-needed records management system.**

Over the past three years we have changed our planning records filing system from a chronological-based system to an address-based system. This process is nearly complete and we have found it to be working quite well.

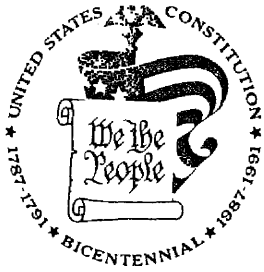
**2. The City should review and implement Local Government Records Management Guidelines issued by the Secretary of State.**

As suggested in the report, the City Clerk downloaded the document from the Secretary of State web-site and is in the process of reviewing it. We will attempt to implement portions that are applicable to our planning process.

**3. Address the lack of adequate records security.**

The City Clerk met with the Director of Public Works to review this matter. We have discussed several options: 1) locks on existing planning files, 2) moving the files to a locked room. In either case there would be a limited number of keys issued for access to the files.

**4. The City should implement and maintain a backup system to protect records and archives. The backup of records should be kept in a secure off-site location.**



Nevada City  
A Bicentennial  
Community

# CITY OF NEVADA CITY

## CALIFORNIA

Grand Jury Response – City Council  
2001 Report  
May 15, 2002

The City Manager and City Clerk have been working with the County MIS department to enter into an agreement for computer support and assistance. With this support, it may be possible for us to keep a scanned copy of all files stored on the County system.

**5. Better protection and preservation of historical records is necessary.**

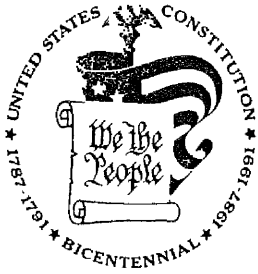
We agree with this recommendation. Historical preservation has always been important to the City. Several years ago we investigated the costs of photo-reproductions of the City minute books to reduce the wear and tear on these historic documents as requests come in to review them. At the time this process was not very effective and cost-prohibitive. We will contact the State Chief Archivist as recommended and review new methods to accomplish this task. Additionally, we have our historic Assessment Books and other historic material locked in a concrete room. Waterproof coverings protect the documents since the room has fire sprinklers. The Minute Books are locked in a cabinet and we are exploring ideas for constructing a fireproof vault for them.

**6. Grant money and historical support are available and should be pursued by contacting the National Historical Publications and Records Commission.**

These websites have been reviewed and we will pursue grant money and support.

**7. Grand Jury members visited the Town of Truckee to review its records management system, which meets state guidelines. The Grand Jury recommends that the City Manager and the City Clerk visit the Town of Truckee to review this system with appropriate officials.**

The City is currently in the process of hiring a new City Manager. The City Clerk will discuss this item with the new City Manager after the position is filled. While we commend the Grand Jury for their thorough review and visit to the Town of Truckee, it should be noted that it is a fairly new City with the advantage of setting up a new records management system. Nevada City,



# CITY OF NEVADA CITY

## CALIFORNIA

Nevada City  
A Bicentennial  
Community

Grand Jury Response – City Council  
2001 Report  
May 15, 2002

on the other hand, is one hundred fifty years old and our records system is a combination of old and new. We are in the process of converting our system as time and money permit.

We would like to note that the City of Nevada City never received a copy of your report. We appreciate the notification that we could access it on a web-site but that web-site was changed and we had difficulty accessing a copy of this year's report. The only copy we have currently is a two-page section faxed to us by The Union. Additionally, we are sure many of our older citizens do not have access to the Internet. Therefore, we would like to suggest that you continue to publish a copy of the Final Report in The Union or make copies available by other means. With all the hard work that goes into this report, it would be a shame if people were unable to read it.

We commend you for your thorough review of City record keeping operations and assure you that we take the matter of completeness, security and preservation of City files very seriously.

Again, we would like to thank you for your review and suggestions. If you have any questions, please don't hesitate to contact us.

Sincerely,



David McKay  
Mayor



Nevada City  
A Bicentennial  
Community

# CITY OF NEVADA CITY

CALIFORNIA

May 29, 2002

REC'D BY SUPERIOR COURT

DATE: 6-7-02

BY: [Signature]

Honorable Ersel L. Edwards  
Presiding Judge of the Civil Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: Amended Response to Grand Jury Report – 2001

Honorable Judge Edwards:

We are in receipt of your letter dated May 20, 2002 indicating we had responded incorrectly to the Grand Jury's report for the above-referenced year. On April 12, 2002 we responded to the Grand Jury Report. As indicated in the letter, we never received a copy of the report and responded solely from a copy of two sheets of paper faxed to us from Union reporter Kerana Todorov. We had no instructions to follow and responded as we felt appropriately. Thank you for enclosing a copy at this time. Our amended response is as follows:

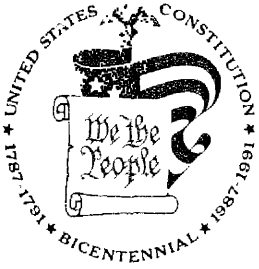
**Response to Findings:**

**Finding 1. The Planning Department located the records in question after the investigation began. These records were either misplaced or misfiled.**

We agree with the finding that the records in question were misplaced and/or misfiled.

**Finding 2. The Planning Department does not have a written procedure for records management, resulting in a lack of guidelines for employees. Additionally, the manner of maintaining public records does not comply with State guidelines.**

We don't agree with the finding that we have no written procedure for records-management in the Planning Department. We have written forms, procedures and checklists. We have procedures for tracking the planning and CEQA process. We have special forms and lists that are updated on a bi-weekly basis and posted for staff and public use. We also have a written request form for records and a file-tracking system. We have no written procedure for indexing every item in a file. However, we are not aware that our record keeping system is not in compliance with State law.



Nevada City  
A Bicentennial  
Community

# CITY OF NEVADA CITY

## CALIFORNIA

Grand Jury Response  
2001 Report  
May 29, 2002

**Finding 3.** The areas where records are kept lack the security to prevent possible theft or unauthorized access. In addition, these areas do not provide adequate protection from possible fire or water damage if the fire protection sprinklers in the ceiling are activated.

We agree that the records could be damaged should the fire sprinkler system be activated. The City Hall was extensively remodeled and fire sprinklers were installed at the time of remodeling. The fire sprinklers being in proximity of the records was questioned at the time and we were informed that due to fire code, they would be required to be installed as they are.

**Finding 4.** The Planning Department does not maintain a backup system of its records to prevent disruption of business due to any incident that could cause a loss of records.

We agree with this finding.

**Finding 5.** The manner in which historical records are stored leaves them vulnerable to loss or damage.

We agree partially with this finding. They are vulnerable to damage from the sprinkler system or fire, should it occur.

### Response to Recommendations

**Recommendation 1:** Nevada City must develop a much-needed records management system.

We have implemented a records management system in planning. Over the past three years we have changed our planning records filing system from a chronological-based system to an address-based system. This process is nearly complete and we have found it to be working quite well.



# CITY OF NEVADA CITY

## CALIFORNIA

Nevada City  
A Bicentennial  
Community

Grand Jury Response  
2001 Report  
May 29, 2002

**Recommendation 2: The City should review and implement Local Government Records Management Guidelines issued by the Secretary of State.**

As suggested in the report, the City Clerk downloaded the document from the Secretary of State web-site and is in the process of reviewing it. We will attempt to implement portions that are applicable to our planning process but we will not implement those portions that are unreasonable for our City due to space, fiscal or personnel limitations. When the Grand Jury provides funding, we will implement new Records Management Guidelines.

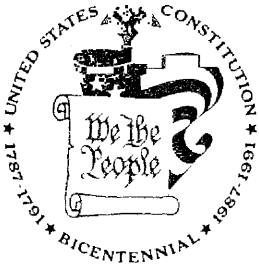
**Recommendation 3: Address the lack of adequate records security.**

The City Clerk met with the Director of Public Works to review this matter. We have discussed several options: 1) locks on existing planning files, 2) moving the files to a locked room. We have ordered locking file cabinets for the Planning Files. The City Clerk and two other designated employees (office clerks) will have keys. People wishing to check out files will be required to complete a request form and the files will be retrieved and refiled by the above-referenced employees only.

**Recommendation 4. The City should implement and maintain a backup system to protect records and archives. The backup of records should be kept in a secure off-site location.**

This recommendation requires further analysis. The City Manager and City Clerk have been working with the County MIS department to enter into an agreement for computer support and assistance. With this support, it may be possible for us to keep a scanned copy of all files stored on the County system. At this time we are waiting for the County to complete their study of our system and to advise us of the next step. We anticipate a response by mid-June. At that time we will review the feasibility of this recommendation and decide whether to implement it or not depending on the County's response.





# CITY OF NEVADA CITY

## CALIFORNIA

Nevada City  
A Bicentennial  
Community

Grand Jury Response  
2001 Report  
May 29, 2002

### **Recommendation 5. Better protection and preservation of historical records is necessary.**

We agree with this recommendation and have already implemented a portion of it. Historical preservation has always been important to the City. Several years ago we investigated the costs of photo-reproductions of the City minute books to reduce the wear and tear on these historic documents as requests come in to review them. At the time this process was not very effective and cost-prohibitive. We will contact the State Chief Archivist as recommended and review new methods to accomplish this task. This item will be discussed with the Finance Committee during our budgeting process and we will look at budgeting funding to complete portions of the reproduction process each year. Additionally, we have our historic Assessment Books and other historic material locked in a concrete room. Waterproof coverings protect the documents since the room has fire sprinklers. The Minute Books are locked in a cabinet and we are exploring ideas for constructing a fireproof vault for them.

### **Recommendation 6. Grant money and historical support are available and should be pursued by contacting the National Historical Publications and Records Commission.**

We are not aware of any grant money at this time but will continue to review the websites and we will pursue grant money and support as it becomes available.

### **Recommendation 7. Grand Jury members visited the Town of Truckee to review its records management system, which meets state guidelines. The Grand Jury recommends that the City Manager and the City Clerk visit the Town of Truckee to review this system with appropriate officials.**

We will not implement the records management system of the Town of Truckee. The City is currently in the process of hiring a new City Manager. The City Clerk will discuss this item with the new City Manager after the position is filled. While we commend the Grand Jury for their thorough review and visit to the Town of Truckee, it should be noted that it is a fairly new City with the advantage of setting up a new records management system. Nevada City, on the other hand, is one hundred fifty years old and our records system is a combination of old and new. We are in the process of converting our system as time and money permit.



# CITY OF NEVADA CITY

## CALIFORNIA

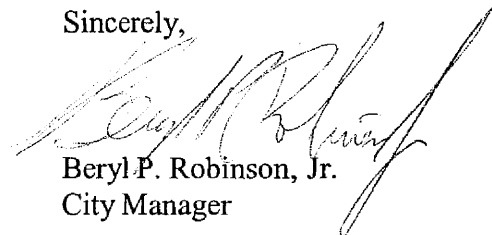
Nevada City  
A Bicentennial  
Community

Grand Jury Response  
2001 Report  
May 29, 2002

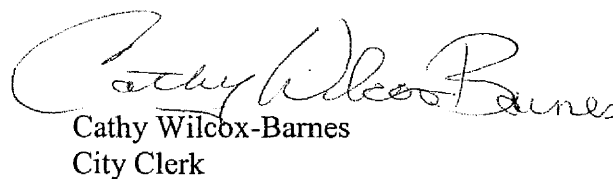
As noted previously, City of Nevada City never received a copy of your report. We appreciate the notification that we could access it on a web-site but that web-site was changed and we had difficulty accessing a copy of this year's report. The only copy we have currently is a two-page section faxed to us by The Union. Additionally, we are sure many of our older citizens do not have access to the Internet. Therefore, we would like to suggest that you continue to publish a copy of the Final Report in The Union or make copies available by other means. With all the hard work that goes into this report, it would be a shame if people were unable to read it.

Again, we would like to thank you for your review and suggestions. If you have any questions, please don't hesitate to contact us.

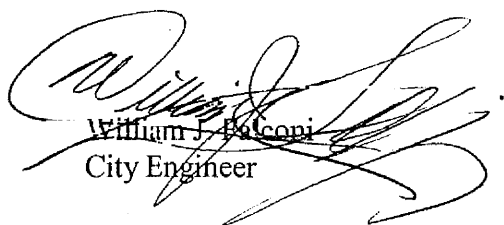
Sincerely,



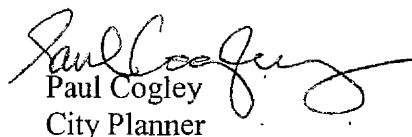
Beryl P. Robinson, Jr.  
City Manager



Cathy Wilcox-Barnes  
City Clerk



William J. Falconi  
City Engineer



Paul Cogley  
City Planner