

RESPONSE TO GRAND JURY REPORT

Report Title: 2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light

Report Date: March 10, 2016

Response by: Marin County Board of Supervisors on behalf of the County of Marin and all Special Districts and JPA's under its direction

RECOMMENDATIONS

- Recommendations numbered 1, 3 and 4 have been implemented.
- Recommendations numbered 2 and 5 have not yet been implemented, but will be implemented in the future.

Date: June 7, 2016

Signed: _____

Number of pages attached: 3

Marin County Board of Supervisors

Response to Findings and Recommendations from Grand Jury Report
"2015-16 Web Transparency Report Card:
Bringing Marin County's Local Governments to Light" – (March 10, 2016)

RECOMMENDATIONS

The Marin County Civil Grand Jury recommends that:

- R1. The agency should improve its web transparency score to "B-" (or better), by updating its website and submitting the appropriate self-audit form. The form may be obtained by emailing: grandjury-audit@marincounty.org.

Response: This recommendation has been implemented. For example, the Department of Finance now offers on its public web site a comprehensive listing with summary information regarding each special district under the Board of Supervisors, as well as a link to the County Special Districts' Budget for budget and related financial information. This information can be found at: <http://www.marincounty.org/depts/df/special-districts>.

The County supports transparency and has made several efforts in this area in recent years, winning awards and accolades from statewide or national organizations. We've received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award, the International City/County Management Association (ICMA) Certificate of Distinction for Performance Measurement for the County Budget, and the GFOA's Excellence Award in governmental accounting and financial reporting for its Comprehensive Annual Financial Report (CAFR). In recent years, we've also received several national "Savvy" awards for our public communications program from the City-County Communications & Marketing Association (3CMA).

The County remains interested in finding straightforward and effective ways to improve its transparency per the Grand Jury's recommendations, and we thank the Grand Jury for its suggestions. Since December, when we initially requested clarification and advice from the Grand Jury, we've implemented several recommended improvements, summarized below. We were unfortunately unable to implement many of these enhancements in time to meet the Grand Jury's December 11, 2015 deadline.

Elected Officials and Administrative Officials

Regarding "incomplete" grades in the area of "Elected Officials" and "Administrative Officials," we've provided a link to the State Controller's Government Compensation in California website at publicpay.ca.gov to increase our transparency of employee pay and benefits. We believe this will avoid confusion and maintenance of duplicative sources for the same information, and is fully compliant with Government Code [12463](#) and [53908](#) (the Grand Jury cited Government Code 53909, but we believe the Grand Jury intended to cite 53908).

Regarding procedures and guidelines for elected officials more specifically, the Marin County [Registrar of Voters](#) posts a wealth of information on its public website. We've since included a link on the [Board of Supervisors home page](#) to more easily refer members of the public to the Registrar's information regarding [election procedures and guidelines](#).

Municipal Specific

Regarding an "incomplete" grade from the Grand Jury in the category of "Municipal Specific," we now post copies of contracts with federal and state lobbying firms online under the [County Administrator's "Legislative Documents" website](#).

Contracts

Regarding an "incomplete" grade from the Grand Jury in the area of "Contracts", we are in the process of implementing a new Enterprise Resources Planning (ERP) financial system, including enhanced and more centralized procurement guidelines and practices. We will evaluate opportunities to enhance transparency in this area after the new ERP financial system "goes-live" July 1, 2016.

All professional services contracts in excess of \$50,000 are approved by the Board of Supervisors in public meetings. Professional services contracts of \$50,000 or less are delegated to the County Administrator consistent with State law – followed by a quarterly report to the Board of Supervisors in a public meeting with summary detail regarding contracts approved on a delegated basis.

R2. The agency should file and keep updated its Statement of Facts with the California Secretary of State and the Marin County Clerk as required by California Code §53051.

Response: This recommendation has not been implemented, but it will be in the future. We should note that County Counsel has determined that the County of Marin is specifically exempted from filing pursuant to Government Code [§53050](#), and that all of its County Service Areas and Permanent Road Divisions, listed per Attachment A, are not required to file under Section [53051](#) since they are political subdivisions that do not meet the definition of a "public agency" and are overseen by the Board of Supervisors acting in that capacity and are not separate legal entities apart from the County.

Also per Attachment A, in the categories of Other Special Districts, Sewer Maintenance Districts, Joint Powers Agencies or Other Agencies/Conduit Financing Authorities, County Counsel has determined that these agencies are legally required to file (or, out of an abundance of caution, should file) under Section 53051. Some, but not all, of these agencies have done so in the past. We are coordinating with appropriate County staff to ensure these agencies file on a timely basis going forward.

R3. The agency should update its website to include information of the annual compensation of its elected officials, officers and employees; and this information should also be submitted to the Controller, as required by Sections 12463 and 53909 of the California Government Code.

Response: This recommendation has been implemented. The County has provided links to the State Controller's Government Compensation in California website at publicpay.ca.gov – found in two areas on the Department of Finance's public website (under "[Payroll](#)" and its "[Debt and Pension](#)" information web page).

We believe this avoids confusion and maintenance of duplicative sources regarding the same information, and County Counsel has determined that this is fully compliant with Government Code 12463 and 53908. The County had already been submitting this information to the State Controller annually.

R4. The Marin County Board of Supervisors should create a comprehensive online "digital directory" with links to all County of Marin's dependent special districts and JPAs.

Response: This recommendation has been implemented. As mentioned in R1, the Department of Finance now offers on its public web site a comprehensive listing of districts under the direction of the Board of Supervisors. This information can be found at: <http://www.marincounty.org/depts/df/special-districts>. We believe that providing and maintaining duplicative information with separate websites would not be the most effective way to provide information to our residents.

Several joint powers agencies staffed by the County - including the Marin County Hazardous And Solid Waste Joint Powers Authority, the Marin County Major Crimes Task Force, and the Richardson Bay Regional Agency - do have an online presence and will work in coming months to improve their websites informed by the Grand Jury's recommendations.

Because several others are better described as conduit financing vehicles than public agencies and also fall under the Board of Supervisors - including the Gateway Improvement Authority, the Gateway Refinancing Authority, the Marin County Capital Improvements Financing Authority, and the Marin County Open Space Financing Authority - establishing and maintaining separate new websites for these entities would not appear to be a meaningful or straightforward way of enhancing transparency. When and if these agencies are required to meet, they appear on a Board of Supervisors' agenda in full compliance with the Brown Act.

R5. To further improve web transparency, the County Clerk of Marin County should allow public remote Internet access to its Roster of Public Agencies.

Response: This recommendation has not been implemented, but it will be in the future. While the County Assessor-Recorder-County Clerk is an independent elected official, there is mutual interest in coordinating to provide online web access to its Roster of Public Agencies as well as an index as soon as possible.