



CITY OF  
*San Rafael*

MAYOR GARY O. PHILLIPS  
VICE MAYOR KATE COLIN  
COUNCILMEMBER MARIBETH BUSHEY  
COUNCILMEMBER JOHN GAMBLIN  
COUNCILMEMBER ANDREW CUYUGAN MCCULLOUGH

CITY CLERK  
415-485-3065

June 2, 2016

The Honorable Judge Kelly V. Simmons  
Marin County Superior Court  
P.O. Box 4988  
San Rafael, CA 94913-4988

John Mann, Foreperson  
Marin County Civil Grand Jury 2015/2016  
3501 Civic Center Drive, Room #275  
San Rafael, CA 94903

Honorable Judge Simmons:  
Mr. Mann:

RE: Marin County Civil Grand Jury Report: "2015-16 Web Transparency Report Card:  
Bringing Marin County's Local Governments to Light"

We are forwarding to you the following documents:

- A certified copy of Resolution No. 14124 adopted by the San Rafael City Council on May 16, 2016, approving and authorizing the Mayor to execute the City's response;
- Original of the "Response to Grand Jury Report Form," executed by Mayor Phillips on May 31, 2016;
- Copy of the City Council Staff Report dated May 16, 2016

Should you need further assistance, please contact me at (415) 485-3065.

Sincerely,

*Esther C. Beirne*

ESTHER C. BEIRNE  
City Clerk

cc: Gary O. Phillips, Mayor of the City of San Rafael  
Jim Schutz, City Manager  
Robert Epstein, City Attorney  
Rebecca Woodbury, Senior Management Analyst

**RESOLUTION NO. 14124**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY'S RESPONSE TO THE MARCH 17, 2016 MARIN COUNTY GRAND JURY REPORT ENTITLED "2015-16 WEB TRANSPARENCY REPORT CARD: BRINGING MARIN COUNTY'S LOCAL GOVERNMENTS TO LIGHT"**

**WHEREAS**, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations must, within ninety (90) days, provide a written response to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury, responding to the Report's findings and recommendations; and

**WHEREAS**, Penal Code section 933 specifically requires that the "governing body" of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

**WHEREAS**, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated March 17, 2016, entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light," and has agendized it at this meeting for a response.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City's response to the Marin County Grand Jury's March 17, 2016 report, entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light," a copy of which response is attached hereto and incorporated herein by reference.

2. Directs the City Clerk to forward the City's response forthwith to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

I, Esther Beirne, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 16th day of May 2016, by the following vote to wit:

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

  
\_\_\_\_\_  
ESTHER C. BEIRNE, City Clerk

ATTACHMENT C

**FORM FOR RESPONDING 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  
**Public Release Date:** March 17, 2016  
**Response by:** Mayor Gary Phillips and San Rafael City Council

**FINDINGS**

- I (we) agree with the findings numbered: n/a
- I (we) disagree wholly or partially with the findings numbered: n/a

**RECOMMENDATIONS**

- Recommendations numbered n/a have been implemented.
- Recommendations numbered n/a have not yet been implemented, but will be implemented in the future.
- Recommendations numbered n/a require further analysis.
- Recommendations numbered R2 will not be implemented because they are not warranted or are not reasonable. See Exhibit 1.

Date: 5/31/16 Signed: 

Number of pages attached: 2

## EXHIBIT 1

### RESPONSE OF THE CITY OF SAN RAFAEL TO THE GRAND JURY REPORT "2015-16 WEB TRANSPARENCY REPORT CARD: BRINGING MARIN COUNTY'S LOCAL GOVERNMENTS TO LIGHT"

#### EXPLANATION REGARDING RECOMMENDATION

#### Recommendations that will not be implemented because they are not warranted or are not reasonable.

Recommendation 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:

California Government Code §53050 defines "public agency" as follows:

53050. The term "public agency," as used in this article, means a district, public authority, public agency, and any other political subdivision or public corporation in the state, **but does not include the state or a county, city and county, or city.**

Cities are not required to file a Statement of Facts, therefore San Rafael will not be implementing the recommendation because it is not warranted. However, it should be noted that each year the San Rafael City Clerk does file an updated roster with the Secretary of State with similar information.

Government Code §53050-53051: <http://bit.ly/1T9Cl8F>

ATTACHMENT B

**Incorporated City and Town Officials**

CITY OF SAN RAFAEL – UPDATE – JANUARY 7, 2016

**CITY OF SAN RAFAEL**

**(County of Marin)**

**Address:** 1400 Fifth Avenue, San Rafael, CA 94901

**Mail Address:** P.O. Box 151560, San Rafael, CA 94905

**Telephone:** (415) 485-3070

**Fax:** (415) 459-2242

**Website:** [www.cityofsanrafael.org](http://www.cityofsanrafael.org)

**Email:** [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org)

**Office Hours:** Monday to Friday 8:30 a.m. to 5:00 p.m.

**Mayor:** Gary O. Phillips

**Vice Mayor:** Kate Colin

**Council:** Maribeth Bushey, John Gamblin, Andrew McCullough.

Council meets on the first and third Mondays of each month at 7 p.m. in Council Chambers.

**City Manager:** Jim Schutz

**City Clerk:** Esther C. Beirne

**City Attorney:** Robert F. Epstein

**Treasurer:** Mark Moses

**Police Chief:** Diana Bishop

**Fire Chief:** Christopher R. Gray

**School Superintendent:** Michael R. Watenpaugh, Ed.D.

**Incorporated:** February 18, 1874

**Legislative Districts:** 6th CD; 3rd SD; 6th AD

**Chartered City.** Population: 58,182

CITY OF



*San Rafael*

Agenda Item No: 7.a

Meeting Date: May 16, 2016

### SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager's Office

Prepared by: Rebecca Woodbury,  
Senior Management Analyst

City Manager Approval: *[Signature]*

TOPIC: RESPONSE TO GRAND JURY REPORT ON WEB TRANSPARENCY

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY OF SAN RAFAEL RESPONSE TO THE MARCH 10, 2016 MARIN COUNTY GRAND JURY REPORT ENTITLED "2015-16 WEB TRANSPARENCY REPORT CARD: BRINGING MARIN COUNTY'S LOCAL GOVERNMENTS TO LIGHT"

#### EXECUTIVE SUMMARY:

This staff report provides information about the Grand Jury Report entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light" and staff's proposed response. The City of San Rafael values open, inclusive and transparent government and engages in a variety of measures to enhance transparency through its website as well as other means. The Report requests a response from the City regarding recommendation 2, with which staff disagrees, as cities are not required to file a Statement of Facts, per California Government Code §53050.

City of San Rafael	
<b>GRADE: B</b>	
Overview	✓
Budget	✓
Meetings	✓
Elected Officials	●
Administrative Officials	✓
Audits	✓
Contracts	●
Public Records	✓
Revenue Sources	✓
Municipal Specific	✓

Grand Jury Report Card

#### BACKGROUND:

The 2015-2016 Marin County Grand Jury has issued its report, dated March 10, 2016 and made public on March 17, 2016, entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light." In this report, the Grand Jury audits local government agencies' websites in Marin County to evaluate the quality of online information. The Grand Jury's report includes a web transparency checklist of criteria used in the audit and provides each jurisdiction with a score. The City of San Rafael received a "B" grade, meeting requirements for overview, budget, meetings, administrative officials, audits, public records, revenue sources and municipal specific issues; it was marked down for providing insufficient information about contracts and elected/appointed officials. See the full Grand Jury report in Attachment A.

**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

The City of San Rafael's website is a vital form of communication and is the face of the City online. Staff uses the website to convey the City's messages and provide the public with relevant, current, and accurate information and services. The site also must comply with federal, state, and local laws and should adhere to modern usability and accessibility standards. For many residents, visitors and businesses, the City website is their first impression of the City and a well-designed website can directly lead to reducing staff time spent on phone calls and research.

The City's current website is about six years old and it falls short in a number of areas. Staff is currently underway with a procurement effort to replace the website with a more mobile-friendly and modern site as well as significantly updated content and navigation to more readily answer the most common public inquiries. The new site will provide a digital front door that connects the community with the City's services and resources. Staff expects a vendor to be selected within the next month and for implementation to commence by summer.

As part of the City's community engagement and transparency initiative, staff has worked to expand digital communications and resources including the recent implementation of an electronic notification system for newsletters, agendas, and other alerts. The City is also implementing the OpenGov budget platform and actively using the NextDoor social media site to share important information with neighborhoods. In addition, other transparency efforts to include online information about labor negotiations and pensions have been commended by community groups. These pages provide information and links to resources, such as MOUs and actuarial reports.

**ANALYSIS:**

The Grand Jury report marked the City of San Rafael down for providing insufficient information in the "Elected & Appointed Officials" and "Contracts" criteria. The report card did not specifically identify what the Grand Jury found to be insufficient. The following table shows the details included in each criteria and a staff response about what is and is not on the City website.

<b>Criteria / Feature</b>	<b>Staff response</b>
<i>Elected &amp; Appointed Officials</i>	
<ul style="list-style-type: none"><li>Board members (names, contact info, terms of office, compensation and biography)</li></ul>	<p>The City's website includes all of this information about members of the City Council.</p> <p>For members of Board &amp; Commissions, the website includes information about their names and terms of office. Contact information for a staff liaison is provided, but not for individual members. Board and Commission members do not receive compensation.</p>
<ul style="list-style-type: none"><li>Election procedure and deadlines</li></ul>	<p>The City Clerk's webpage on elections includes (when applicable) a Resolution stating the election procedures and deadlines.</p>
<ul style="list-style-type: none"><li>Reimbursement and compensation policy</li></ul>	<p>The City Council compensation policy can be found on the City Council webpage. The City's reimbursement policy for all City employees (including City Councilmembers) is included on the Human Resources webpage.</p>

**Contracts**

- Current requests for proposals and bidding opportunities (more than \$25,000 in value)      The City does not currently have a centralized place on its website to advertise all bidding opportunities. Each department manages its own and publicizes them to the vendor communities in a variety of ways. The City is in the process of creating a centralized webpage for bidding opportunities.
- Instructions on how to submit a bid or proposal      Information about how to submit a bid or proposal is always included in the specific request (as it can vary greatly from project to project).
- Approved vendor contracts (more than \$25,000 in value)      The City does not currently have a centralized place on its website for approved contracts. The City is currently underway with implementing two solutions that would address information about contracts. Within the coming months, the City expects to create a public portal to the City Clerk's public records library (includes contracts) as well as an online budget tool (includes financial information about contracts).

The Grand Jury Report specifically requested the City of San Rafael to respond to Recommendation 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." The California Government Code §53050 definition of "public agency," however, does not include a city. Instead, this form is intended for use by other types of public agencies like school / community college districts and finance authorities. For example, the City Clerk files a Statement of Facts form for the San Rafael Joint Powers Finance Authority. In addition, each year the City Clerk files an updated City roster with the Secretary of State with similar information to the Statement of Facts form (Attachment B). Therefore, this recommendation will not be implemented. The City's response to the Grand Jury report is included in Attachment C.

**FISCAL IMPACT:**

There is no direct fiscal impact to the recommended action of this report.

**ACTION REQUIRED:**

The City is required to respond to the Grand Jury Report. Penal Code section 933(c) states in part:

"No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations...[contained in the report]."

To comply with this statute, the City's response to the Grand Jury report is required to be approved by Resolution of the City Council and submitted to the Presiding Judge of the Marin County Superior Court



and the Foreperson of the Grand Jury on or before June 17, 2016. A proposed Resolution is included that would approve staff's recommendation for the City's response (Attachment D).

**OPTIONS:**

The City is required to respond, however, the City Council has the following options to consider on this matter:

1. Adopt Resolution approving the proposed response;
2. Adopt Resolution with modifications to the proposed response;
3. Direct staff to return with more information.

**RECOMMENDATION:**

Staff recommends that the City Council adopt the attached Resolution approving the proposed response to the Grand Jury report and authorizing the Mayor to execute the response.

**ATTACHMENTS:**

- A. Grand Jury Report "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light" dated March 10, 2016.
- B. Roster annually provided to Secretary of State
- C. Proposed Response
- D. Resolution