



# City of Larkspur

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June 16, 2016

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

Dear Foreperson Mann:

At its regular meeting April 5, 2016, the Larkspur Marina Financing Authority (LMFA) Board reviewed the report entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light." We thank the Civil Grand Jury for its service and its interest in creating better government for the people of Marin. The Grand Jury evaluated a broad range of local government entities in its audit of web transparency. The Board appreciates that the Grand Jury created evaluation criteria with attention to the types of agencies and structure of government in Marin County.

However, the report fails to differentiate between large organizations with many functions, and small agencies with a narrow focus. It is our belief that agencies with straightforward finances, minimal staff, and small service areas can operate openly and transparently without establishing a web presence. We find that the key to open and transparent government for these agencies is direct communication and information sharing. This viewpoint is reflected in our response.

The report requests LMFA to respond to Recommendations 1, 2, and 3 of the report. The Board's responses are provided below.

Should the members of the Grand Jury require additional information, please contact Executive Director and Chair of the Board Dan Schwarz at 415-927-5110 or [dschwarz@cityoflarkspur.org](mailto:dschwarz@cityoflarkspur.org).

Sincerely,

Dan Schwarz  
Chair of the Board  
Larkspur Marina Financing Authority

**Recommendation 1: 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](mailto:grandjury-audit@marincounty.org).**

Recommendation 1 will not be implemented because it is not warranted.

As the Grand Jury notes in its report, there are no laws requiring JPA’s to maintain a website or have a web presence.

The primary purpose of transparency initiatives is to ensure that public agencies operate 1) lawfully 2) in a manner that benefits the communities they serve. We believe that direct correspondence with our property owners in our jurisdiction, along with LMFA’s compliance with all noticing requirements and records retention, fulfills our duty to demonstrate that it operates in a lawful manner. We also believe that assessments paid by property owners for the purpose of dredging Corte Madera Creek should not be redirected to provide a website without an expressed interest by property owners in our jurisdiction for us to do so. We believe that spending all available funds on the dredging of the creek is the best way to serve our community.

Communications can be challenging for some government agencies, and websites can help agencies by directing people to a central place to find information. For example, for municipalities providing multiple services to large populations, a web presence makes sense. Websites can also be useful for online business transactions. But for small agencies with minimal services, websites make less sense. LMFA falls into this category; it is JPA with a limited but important mission, serving a very small number of people. LMFA was created for the sole purpose of providing a means to assess property owners in the Larkspur Marina who own property along Corte Madera Creek. The assessment is used to pay for dredging those portions of the Creek used by these property owners for their recreational enjoyment. It is easy for the Authority to communicate to all of the approximately 115 property owners in its boundaries through email and mail. Directing efforts into developing a website is not necessary or desirable.

LMFA has never received a request to establish a website, by affected property owners or by the general public. Each property owner is mailed a notice of Board meetings, along with a list of anticipated business items to be discussed at the meeting. Property owners may request a copy of the full agenda packet or the budget from the Secretary to the Authority. Furthermore, information is available on the Larkspur Marina Property Owner’s Association website ([www.larkspurmarinapoa.com](http://www.larkspurmarinapoa.com))

LMFA does not believe it is appropriate to use funds intended to dredge the Corte Madera Creek to create a website solely based on one report by the Grand Jury. Spending money

developing tools that are neither required nor desired runs counter to the spirit of the fiscal responsibility and good governance that lies at core of transparency and open government.

In the absence of a demonstrated interest to establish a website, the Authority will continue to direct all available funds to the dredging of the creek.

**Recommendation 2: 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**

Recommendation 2 requires further analysis. The LMFA Secretary will inquire with the California Secretary of State and the Marin County Clerk regarding the requirements to file a Statement of Facts. The Clerk has never received a request to file from either agency. If requested to do so, the Clerk will file an updated Statement of Facts immediately. The issue is anticipated to resolve by July 2016.

**Recommendation 3: The Agency should update its website to include information of the annual compensation of its elected officials, officers and employees; and this information should be submitted to the State Controller, as required by Sections 1263 and 53909 of the California Government Code.**

Recommendation 3 will not be implemented. For the reasons given in response to Recommendation 1, LMFA will not establish a website for the purposes of complying with the Grand Jury's response.

The Clerk has never received a request to file from the State Controller. The LMFA Secretary will inquire with the California State Controller regarding requirements to submit annual compensation information. If requested to do so, the Clerk will submit the annual compensation of its elected officials, officers and employees to the State Controller immediately. The issue is anticipated to resolve by July 2016.