

From: Berto, Benjamin
Sent: Monday, November 14, 2016 12:04 PM
To: GrandJury
Cc: Eilerman, Dan; Price, Bill
Subject: RE: RBRA Marin Grand Jury Non-response

Mr. Hamilton-Roth

This responds to your November 8 letter regarding RBRA's response to the Grand Jury's Web Transparency Report Card for Joint Powers Agencies. Attached is the staff report provided to the RBRA Board at their September 15 meeting that responded to the Grand Jury's evaluation of the RBRA.

As noted in this staff report, staff believes that the Grand Jury report card on RBRA contained a number of factual errors that if corrected would result in RBRA's current website receiving a higher grade than our agency received. There are also a number of website upgrades that the Grand Jury and staff recommended that continue to be challenging to implement in the short term due to financial constraints. RBRA continues to explore overall organizational/administrative options in a very budget-constrained environment.

Dan Eilerman (cc'ed on this email) is acting as Interim Administrative Director at this time, and attended the September 15 meeting. I did not, and have not been substantively involved with the agency since that time. Dan is in a better position to respond regarding how the RBRA Board acted on staff's recommendations, and whether extent additional budget may be forthcoming to conduct website upgrades. Thank you in your role as Grand Jury Foreperson for the Grand Jury's attention to the important matter of public agency web transparency.

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RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

September 8, 2016

TO: RBRA Board
FROM: Ben Berto, RBRA Clerk
SUBJECT: Marin County Civil Grand Jury report on the websites of Marin Joint Powers Authorities, including the RBRA.

Board members:

While your Board has more pressing matters on the agenda to consider at this meeting, one item that deserves some attention is the Marin County Civil Grand Jury's report on websites of Marin Joint Powers Authorities (or in RBRA's case, a Joint Powers Agreement). Released in March 2016, the Grand Jury report was critical of a number of JPA's websites on the bases of quality of online information such as budgets, audits, and board member information. RBRA's website was given an overall rating of "F" (link to report follows)

http://www.marincounty.org/~media/files/departments/gj/reports-responses/2015/responses/webtransparencycard/2015_16-web-transparency-report-card.pdf?la=en

Unfortunately the lead up to and release of the report coincided with the acute and ongoing challenges RBRA is facing with its functions and budget. Not coincidentally, the first FY 2016-2017 RBRA draft budget included funds for website upgrades. Those had to be deleted with member jurisdictions' contribution flatlined in this year's budget.

Nonetheless, a response to the Grand Jury is warranted in the interests of open and transparent government, and to present RBRA's position on information available on its website.

The Grand Jury's web transparency checklist featured 10 criteria whereby Marin JPA's were evaluated. (see attached criteria checklist). The Grand Jury's assessment of RBRA's website was critical of site in the following areas:

- Budget - missing
- Elected Officials - incomplete
- Administrative Officials - incomplete
- Audits - missing
- Contracts - missing
- Public Records - missing
- Revenue Sources - missing
- JPA Agreement - missing

The Grant Jury report did find the RBRA website to be adequate in the Overview and Meetings categories.

Staff has the following responses to each of the Grand Jury's alleged deficiencies:

Budget - missing

Response: Budgets for the last five fiscal years are currently, and have been, shown on the RBRA website. It is shown in the agendas for the meetings where the budget is proposed and adopted. Staff agrees that the budget could however have its own header, perhaps under general information.

Elected Officials - incomplete

Response: Some of the issue is stylistic: how much website information is reasonable or should be devoted to Boardmember information? For example, how Boardmembers end up on the RBRA Board, how much they are compensated for doing so (nothing), and Boardmember biographies. Since the report, Staff has modified the website to show what Council or Board existing RBRA Boardmembers serve on. Interested parties can presumably infer that an RBRA Boardmember would need to be an elected official of the respective Council or Board they represent. This inference will be confirmed when the Joint Powers Agreement is posted on the RBRA website (see final criteria and response).

Administrative Officials - incomplete

Response: Staffing contact information is fairly complete. Similarly, staff compensation information is clearly shown on the budget information which the Grand Jury missed.

Audits – missing

Response: The biennial audit can be shown on the RBRA website.

Contracts – missing

Response: RBRA rarely enters into formal contracts. Should the new Executive Director's contract be posted on the RBRA website?

Public Records – missing

Response: Should a Freedom of Information Act (FOIA) request form be posted on the RBRA website? Staff currently processes every information request as subject to FOIA, regardless of whether or not the FOIA is referenced in the request .

Revenue Sources – missing

Response: All revenue sources are clearly provided in the annual budget information currently on the website.

JPA Agreement – missing

Response: Staff agrees that the JPA agreement should be shown on the RBRA website.

Conclusion: A careful look at the RBRA website against the Marin County Civil Grand Jury's listed criteria should have resulted in RBRA receiving a grade of "C" or better, particularly once the current budget and JPA agreement are prominently posted.

Concerning other changes, with all due respect to the Grand Jury's fine work, the RBRA is focused on discussions about its fundamental makeup or even existence. Biographical Boardmember information is not a priority. This is not to say that the website could not be improved with respect to the listed criteria. Of perhaps more relevance, Staff would also like to pursue other functionality improvements such as reconfiguring the website to better work with portable devices, or to function more interactively regarding potential programs. Currently no funding is available. Further improvements are going to have to await additional funding.

Recommendation: Direct staff to add current budget and JPA information to the RBRA website, and edit the above responses and forward to the Marin County Civil Grand Jury.